

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ERIC TABARO NSHIMIYE,
a/k/a Eric Tabaro Nshimiyimana,

Defendant

CRIMINAL No. 1:24-cr-10071-FDS

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(a)

The United States of America and the defendant, through counsel, hereby submit this joint memorandum addressing Local Rule 116.5(a).¹

Discovery matters are proceeding to the satisfaction of the parties, and the defendant is reviewing the material produced. The parties respectfully suggest that the Court set the next interim status conference date about 60 days in the future, or close to January 14, 2025, unless the Court wishes to see the parties on November 18, 2024, to discuss the pending motion.

I. Local Rule 116.5(a)(1)

On June 3, 2024, this Court entered a protective order regarding discovery to be produced in this matter. [D.35]. That same day the government produced discovery as required by Fed. R. Crim. P. 16 and Rules 116.1(c) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts, as well as discovery beyond that required by these rules. That discovery contained 4.93 gigabytes of data (including 53 folders with 568 files). On June

¹ Pursuant to Fed. R. Crim. P. 16.1, in connection with discussing the terms of the joint motion for a protective order, the parties have conferred regarding the discovery timetable.

7, 2024, the government produced additional discovery to the defendant. This discovery contained 8.77 megabytes of data (seven files) and was beyond the government's obligation under the automatic discovery rules.

On October 4, 2024, the defense informed the government that it would like to request that the court issue letters rogatory on an *ex parte* and sealed basis. On October 24, 2024, the defense filed a motion requesting the same. Dkt. No. 55. The government opposes this motion and expects to file its response by November 15, 2024.

II. Local Rule 116.5(a)(2)

The government will provide discovery in response to any future request(s) according to the local rules and pursuant to the Federal Criminal Rules of Criminal Procedure, including any supplemental discovery if any additional materials are obtained.

III. Local Rule 116.5(a)(3)

The defendant is continuing to review the discovery he has already received and needs additional time to continue doing so.

IV. Local Rule 116.5(a)(4)

As noted above, the Court entered a protective order on June 3, 2024. [D.35].

V. Local Rule 116.5(a)(5)

The parties agree that it is too early to set a motion schedule under Fed. R. Crim. P. 12(b).

VI. Local Rule 116.5(a)(6)

Because of the complexity of this matter, the parties have yet to agree on an appropriate schedule for expert disclosures. The parties intend to propose a schedule prior to the Final Status Conference.

VII. Local Rule 116.5(a)(7)

The government and the defendant further agree that the time period between November 18, 2024, and the next status conference should be excluded because the parties have been and are using the period of the continuance to complete review of discovery and consider the need for motions. Therefore, the parties request that this Court find that the ends of justice served by excluding the period of this continuance outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

VIII. Local Rule 116.5(a)(8)

The government and the defendant request that an interim status conference date be established approximately 60 days in the future and propose a time convenient for the Court on or about January 14, 2025, unless the Court wishes to see the parties on November 18, 2024, to discuss the pending motion.

Respectfully submitted,

ERIC TABARO NSHIMIYE
Defendant

JOSHUA S. LEVY
Acting United States Attorney

By: s/ Maksim Nemtsev by JTM
Maksim Nemtsev
Kurt P. Kerns
Counsel to Eric Tabaro Nshimiye

By: s/ Amanda Beck
John T. McNeil
Amanda Beck
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

s/ Amanda Beck

Amanda Beck

Assistant United States Attorney

Date: November 15, 2024